REMARKS

Claims 1-48 were previously canceled without prejudice. Claims 49, 62, 63, and 64 are independent in form. No new matter has been added.

35 USC § 102(e) REJECTIONS

Claims 49-64 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Downs et al., U.S. Patent No. 6,226,618 B1.

The Examiner is respectfully directed to independent Claim 49, which recites that an embodiment is directed to:

> A method, comprising:
> reading digital content from a physical medium, the digital content being encrypted using a first encryption method;
> obtaining a content key associated with said first encryption method;
> decrypting said digital content using said content key;
> reencrypting said digital content using a second encryption method; and
> storing said digital content after reencryption.

Independent Claims 62, 63, and 64 recite similar limitations. Claims 50-61 are dependent upon Claim 49, and recite further features of the claimed embodiments.

The Office Action contends that Downs teaches the every element of Claim 1. (Office Action, page 3-6). This contention is respectfully traversed.

Initially, it is noted that the Office has not identified, with any specificity, where in Downs an alleged anticipatory teaching is to be found. Rather, the rejection suggests

that the teachings may be found in the "*Abstract, figures 1-16 and accompanying text, and more particularly sections I-VI, VIII, and IX*" (p. 3).

According to MPEP 2131, "to anticipate a claim, the reference must teach every element of the claim." Further, as cited in MPEP 2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Additionally, according to MPEP 2131, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Moreover, case law has repeatedly required that "[a]nticipation requires the presence in a single prior art reference disclosure of **each and every element** of the claimed invention, **arranged as in the claim**" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452 (Fed. Cir. 1984); *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990) (*emphasis added).*

Further, "[i]n deciding the issue of anticipation, the trier of fact must identify the elements of the claims. . . and identify corresponding elements disclosed in the allegedly anticipating reference" *Lindemann Maschinenfabrik GmbH.*

Applicants respectfully contend that the pending rejection does not present a *prima facie* case of anticipation, in that the rejection does not identify corresponding elements in Downs. The pending rejection cites to MPEP § 2123, and claims to rely on

the general teachings of Downs. However, § 2123 does not relieve the Office of the burden of proving a *prima facie* case of anticipation, nor does it remove the requirement that all the elements of the claims must be described in the reference, arranged as in the claims.

Moreover, Applicants respectfully contend that Downs does not anticipate a method, comprising: reading digital content from a physical medium, the digital content being encrypted using a first encryption method; obtaining a content key associated with said first encryption method; decrypting said digital content using said content key; reencrypting said digital content using a second encryption method; and storing said digital content after reencryption, as claimed.

Accordingly, favorable reconsideration and withdrawal of the rejection of Claims 49-64 under 35 U.S.C. §102(e) are respectfully requested.

In the event that the Office maintains the rejection of Claims 49-64 under 35 U.S.C. §102(e), Applicant respectfully requests that the Office, in the interests of compact prosecution, identify on the record and with specificity sufficient to support a prima facie case of anticipation, where in the Downs patent the elements of independent Claim 49 are alleged to be taught.

CONCLUSION

In light of the above-listed amendments and remarks, Applicants respectfully request allowance of the remaining Claims.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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